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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/4/2020

June 3, 2020

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The Honorable Analisa Torres
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007 **Daily Harvest, Inc. and Rachel Drori v.
Revive Organics, Inc., 20 Civ. 3087 (AT)**

Dear Judge Torres:

We represent defendant Revive Organics, Inc. (“Revive”) in the above-captioned matter. We write with the consent of counsel to plaintiffs to request an adjournment of the Initial Pretrial Conference in this case, currently set for **June 24, 2020**.

This action was filed on April 16, 2020. On April 22, 2020, plaintiffs sent a request for waiver of service to Revive. Revive agreed to waive service, and plaintiffs filed the waiver of service on April 24, 2020 (ECF 7). Because Revive is located in Canada, the deadline for response to the complaint was set for **July 21, 2020** (90 days from the notice).

In the meantime, the parties are engaged in settlement discussions that, if successful, may obviate the need for response. The parties will promptly notify Your Honor if they are able to resolve this dispute amicably.

In light of the ongoing settlement discussions and the fact that the deadline for responding to the complaint comes after the June 24th initial pretrial conference, and in light of counsel’s availability, the parties jointly request that the initial pretrial conference be adjourned to the week of August 3, 2020, subject to the Court’s availability.

This is the first adjournment of the initial pretrial conference. Because no discovery schedule has been set, this adjournment will not impact any other previously-scheduled dates.

Respectfully submitted,

/s/ David H. Bernstein

David H. Bernstein

GRANTED. The initial pretrial conference scheduled for June 24, 2020 is ADJOURNED to **August 6, 2020, at 11:20 a.m.** It will be conducted telephonically.

By **July 30, 2020**, the parties shall submit their joint letter and proposed case management plan. The parties are directed to call (888) 398-2342 or (215) 861-0674, and enter access code 5598827.

SO ORDERED.

Dated: June 4, 2020
New York, New York


ANALISA TORRES
United States District Judge